

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**MARTHA KIMMERLY, PABLO REYES REYES,
TERESO REYES REYES, MANUEL RAMIREZ
CANO, and KELLY RAYMO,**

Plaintiffs,

v.

**1:09-CV-948
(FJS/RFT)**

**QUIET WOMAN FARM LLC; SOUTHERN STYLE
SALES LLC; HEATHER LARSON, individually and
d.b.a. QUIET WOMAN FARM; BARBARA LARSON,
individually and d.b.a. QUIET WOMAN FARM;
PATRICK BUCHANAN; and CLERMONT FARM
CORPORATION,**

Defendants.

APPEARANCES

**FARMWORKER LEGAL SERVICES OF
NEW YORK, INC.**
1187 Culver Road
Rochester, New York 14609
Attorney for Plaintiffs

OF COUNSEL

CRISTEN A. SARGENT, ESQ.

SCULLIN, Senior Judge

ORDER

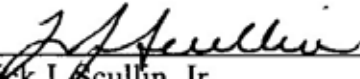
After reviewing Plaintiffs' motion for emergency relief, all relevant supporting papers, and the applicable law, the Court finds that Plaintiffs have failed to allege facts which would justify this extraordinary relief. *See Soler v. G. & U., Inc.*, 690 F.2d 301, 302-03 (2d Cir. 1982) (denying the plaintiffs' motion for preliminary injunction under the FLSA because they failed to demonstrate "any harm – or 'chill' – to other plaintiffs or prospective plaintiffs" in light of the

fact that no plaintiffs had withdrawn from the case after the alleged retaliatory conduct occurred); *see also Balentine v. Arkansas-Best Freight Sys., Inc.*, 750 F.2d 47, 51 (8th Cir. 1984) (holding that only the Secretary of Labor may seek an injunction for future violations of the FLSA) (citations omitted). Accordingly, the Court hereby

ORDERS that Plaintiffs' motion for a temporary restraining order and preliminary injunction is **DENIED**.

IT IS SO ORDERED.

Dated: October 8, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge